

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------------|---|------------|
| SANDRA E. PONCE, |) | 4:10CV3188 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| MICHAEL J. ASTRUE, |) | |
| Commissioner of the |) | |
| Social Security Administration, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court upon Plaintiff's application for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. (Filing [28](#)) Plaintiff requests fees in the total amount of \$4,682.11, which represents 26.7 hours of work by her attorney at an average hourly rate of \$175.36.¹ Defendant does not oppose Plaintiff's application. *See* filing [31](#).

The court has determined that Plaintiff was indeed the prevailing party in this action, as the Commissioner's decision was reversed and matter remanded for further proceedings; that the position of the Commissioner was not substantially justified; that the application for fees was filed in a timely fashion; and that Plaintiff's net worth did not exceed \$2 million when the action was filed. Plaintiff therefore is entitled to an award of reasonable attorney fees.

Accordingly,

¹ This average hourly rate equals the statutory maximum of \$125.00, adjusted for inflation since March 1996.

IT IS ORDERED that:

1. Plaintiff's application for attorneys fees pursuant to the Equal Access to Justice Act (filing [28](#)) is granted.
2. By separate document, the court shall enter judgment for Plaintiff and against Defendant, providing that Plaintiff is awarded attorney fees of \$4,682.11.

February 27, 2011.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge